

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHESTNUT STREET CONSOLIDATED, LLC :

v.

:No.: 21-CV-03046(ER)

BAHAA DAWARA :

And

:

IMAD DWARA :

And

:

FATAN DAWARA :
a/k/a FATEN DAWARA

And

:

MAISAA DAWARA :

And

:

MIRVAT DAWARA :

And

:

ABEER NAIM :

And

:

HITHAM ALBAROUI :
a/k/a HAITHAM ALBAROUI

And

:

DOE INDIVIDUALS (1-10), :

And

:

DOE ENTITIES (1-10)

Defendants.

ORDER

AND NOW, this _____ day of _____, 2022, upon consideration of Plaintiff's Motion to Enforce Order and Hold Certain Defendant's in Contempt and Defendants, Fatan Dawara a/k/a Faten Dawara, Maisaa Dawara, Mirvat Dawara, Abeer Naim, Hitham Albarouki, a/k/a Haitham Albarouki's response thereto:

IT IS hereby **ORDERED** and **DECREED** that Plaintiff's Motion to Enforce Order and Hold Certain Defendants in Contempt is **DENIED**.

BY THE COURT

ROBRENO, U.S.D.J.

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DOE INDIVIDUALS (1-10), :

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DOE ENTITIES (1-10) :

Defendants.

**DEFENDANTS, FATAN DAWARA A/K/A FATEN DAWARA,
MAISAA DAWARA, MIRVAT DAWARA, ABEER NAIM, HITHAM
ALBAROUKI, A/K/A HAITHAM ALBAROUKI'S RESPONSE TO
PLAINTIFF'S MOTION TO ENFORCE ORDER AND HOLD
CERTAIN DEFENDANT'S IN CONTEMPT**

AND NOW, comes Defendants, Fatan Dawara a/k/a Faten Dawara, Maisaa Dawara, Mirvat Dawara, Abeer Naim, Hitham Albarouki, a/k/a Haitham Albarouki's response to Plaintiff's Motion to Enforce Court Order and Hold Certain Defendants in Contempt, and in opposition thereof, defendants' will rely upon the following:

1. Admitted in part. By way of further response, the Order speaks for itself. Further, the Order is directed to certain defendants, not all defendants.
2. Admitted.
3. Denied to the extent the averment uses the pejorative term of "ignored". It was not a conscious ignorance.
4. Admitted in part, denied in part. By way of further response, defendants filed a Notice of Appeal from the entire judgment and order(s) to the United States Court of Appeals for the Third Circuit. The remainder of the allegation is a conclusion of law to which no response is required.

Further, the Third Circuit, via the Clerk's office has questioned whether there is even jurisdiction to entertain the appeal as part of the judgment was not calculated.

5. Admitted that an email was sent.

6. Admitted that emails were sent.

7. Admitted in part, denied in part. By way of further response, certain defendants have not signed the deeds in accordance with this Court's Order, not out of bad faith or willfulness, rather because they took an appeal of this Honorable Court's Order.

8. Denied. By way of further response, the properties have remained in "status quo" since: (a) they were purchased in or around 2015; (b) when the property was transferred in or around November, 2019; and (c) when two (2) of the properties were transferred in or around March, 2020. Thereafter, the properties remain in equipoise and nothing deleterious has happened to the properties.

9. Denied. By way of further response, two (2) of the properties do not have a mortgage and are being occupied by the sisters, Mirvat and Maisaa Dawara and their children; the third property has a mortgage which is being paid and which houses approximately eight (8) people, including children.

10. Denied. By way of further response, to whom to the properties belong? They do not belong to plaintiff as of yet. Plaintiff is being somewhat presumptuous at this point.

11. Denied. By way of further response, the issue of insurance has never, heretofore, been an issue. It seems disingenuous to raise the issue now.

12. Denied. By way of further response, this allegation is a conclusion of law to which no response is required. Why “must” the properties be transferred prior to the disposition of the appeal before the Third Circuit?

13. Denied. By way of further response, this allegation is a conclusion of law to which no response is required.

14. Denied. By way of further response, this allegation is a conclusion of law to which no response is required.

15. Denied. By way of further response, this allegation is a conclusion of law to which no response is required.

16. Denied. By way of further response, this allegation is a conclusion of law to which no response is required.

17. Denied. By way of further response, this allegation is a conclusion of law to which no response is required.

18. Denied. By way of further response, this allegation is a conclusion of law to which no response is required.

19. Denied. By way of further response, this allegation is a conclusion of law to which no response is required.

20. Denied. By way of further response, this allegation is a conclusion of law to which no response is required.

WHEREFORE, for all of the foregoing reasons, it is respectfully requested this Honorable Court deny Plaintiff's Motion to Enforce Order and for Contempt of Certain Persons.

Respectfully submitted,

LAW OFFICES OF JONATHAN J. SOBEL

s/JONATHAN J. SOBEL, ESQ.
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Attorney for Defendants

Date: October 24, 2022

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DOE INDIVIDUALS (1-10), :

And

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DOE ENTITIES (1-10) :

Defendants.

PROOF OF FILING / SERVICE

I, JONATHAN J. SOBEL, ESQUIRE, attorney for Defendants, hereby certify that I am duly authorized to make this certification; that on October 24, 2022, I electronically filed the Response to Motion to Enforce / Contempt and caused it to electronically mailed, addressed as follows:

Gary Seitz, Esquire
GELLERT, SCALI, BUSENKELL & BROWN, LLC
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Attorney for Plaintiff

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Attorney for Defendants, Bahaa Dawara, Imad Dawara

Respectfully submitted,

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Attorney for Defendants

Date: October 24, 2022